

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Civil Action No. 17cv1344

ORDER RE: CASE MANAGEMENT IN CIVIL CASES

After at least one defendant in this matter has filed a responsive pleading (e.g. answer, counterclaim, cross-claim) or a motion in lieu of (or in addition to) a responsive pleading.

IT IS HEREBY ORDERED that the parties shall meet and confer and discuss, in person and/or by telephone, each of the matters listed in Judge Jones' form Joint Status Report (a sample of which is attached hereto). Within thirty (30) days after at least one defendant has responded **OR** thirty (30) days after the date of this Order if at least one defendant has responded, the parties shall jointly file a Joint Status Report, along with their proposed scheduling order (a sample of which is attached hereto). Subsequently, the court, at its discretion, will either enter a case schedule or order a status or Rule 16.1 conference. If a conference is ordered, it shall be conducted by telephone as scheduled by the Court. **NOTE:** If a Joint Status Report is filed **BEFORE** at least one defendant has responded, it will not be considered and stricken from the record.

Below, for your reference, is a list of topics to be discussed during the meet and confer; and are to be included in the Joint Status Report:

1. **Jurisdiction and Service:** Does the Court have subject matter jurisdiction? Are all parties subject to the Court's jurisdiction? Do any remain to be served?
2. **Substance of the Action:** What are the factual and legal bases for plaintiff's claims and defendants' defenses?
3. **Identification of Issues:** What factual and legal issues are genuinely in dispute?
4. **Narrowing of Issues:** Can the issues in litigation be narrowed by agreement or motions? Are there dispositive or partially dispositive issues appropriate for decision on motion?
5. **Relief:** What specific relief does the plaintiff seek? What is the amount of damages sought and generally how is it computed?
6. **Amendment of Pleadings:** Is there an agreed upon deadline?
7. **Joinder of Parties:** Is there an agreed upon deadline?
8. **Discovery:** Discovery contemplated by each party and the amount of time it may take to complete discovery (e.g. 6 months, 9 months, etc.)? Can

discovery be limited? Are less costly and time consuming methods available to obtain necessary information? Will there be a need for a protective order? Are there any anticipated discovery disputes?

9. **Estimated Trial Length:** Is it feasible or desirable to bifurcate issues for trial? What is each party's trial length estimation, including jury selection and deliberation.

10. **Jury trial:** Is this case to be tried before a jury or is it a bench trial?

11. **Settlement.** Have there been settlement discussions? What are the prospects for settlement? Is referral to a Magistrate Judge for mediation or other ADR mechanism appropriate?

12. Such other matters as counsel considers conducive to the just, speedy and inexpensive determination of this action.

13. A statement that counsel for the parties have conferred about each of the above matters.

s/ John E. Jones III
John E. Jones III
United States District Judge
Sitting by Designation of the Chief Judge of the
Third Circuit

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

[CAPTION]

JOINT STATUS REPORT

The parties, by and through their undersigned counsel, jointly submit this Joint Status Report. Counsel for the parties participated in a telephone conference by Fed. R. Civ. P. 26(f) on _____ . [Firm name] participated on behalf of plaintiff _____ (“Plaintiff”), and [Firm name] participated on behalf of defendant _____ (“Defendant”).

1. **Jurisdiction and Service:** (Does the Court have subject matter jurisdiction? Are all parties subject to the court’s jurisdiction? Do any remain to be served?)
2. **Substance of the Action:** (What are the factual and legal bases for plaintiff’s claims and defendants’ defenses?)
3. **Identification of Issues:** (What factual and legal issues are genuinely in dispute?)
4. **Narrowing of Issues:** (Can the issues in litigation be narrowed by agreement or by motions? Are there dispositive or partially dispositive issues appropriate for decision on motion?)
5. **Relief:** (What specific relief does the plaintiff seek? What is the amount of damages sought and generally computed?)
6. **Amendment of Pleadings:** (Is there an agreed upon deadline?)

7. **Joinder of Parties:** (Is there an agreed upon deadline?)
8. **Discovery:** (Discovery contemplated by each party and the amount of time it may take to complete discovery? Can discovery be limited? Are less costly and time consuming methods available to obtain necessary information? Will there be a need for a protective order? Are there any anticipated discovery disputes? How long do the parties need to conduct discovery?)
9. **Estimated trial length:** Is it feasible or desirable to bifurcate issues for trial? What is each party's trial length estimation, including jury selection and deliberation?)
10. **Jury trial:** (Is this a jury or bench trial?)
11. **Settlement:** (Have there been settlement discussions? What are the prospects for settlement? Is referral to a Magistrate Judge for mediation or other ADR mechanism appropriate?)
12. Such other matters as counsel considers conducive to the just, speedy and inexpensive determination of this action.
13. A statement that counsel for the parties have conferred about each of the above matters.

[Signature blocks for counsel]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

[CAPTION]

SCHEDULING ORDER

This ____ day of _____, 20____, the Court hereby adopts the following case management schedule, as submitted by the parties:

1. **Rule 26(a) Disclosures:** Unless otherwise agreed to by the parties, they shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a) on or before ____.
2. **Joinder of other Parties and Amendment of Pleadings:** All motions to join other parties and amend the pleadings shall be filed on or before _____.
3. **Discovery:** All discovery in this case shall be initiated so that it will be completed on or before _____.
4. **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking relief shall file a letter on the docket outlining the dispute and requesting a teleconference.
5. **Confidential Information and Papers filed under Seal:** Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement

on a proposed form of order and submit it to the Court within ten (10) days of the date of this Order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

6. **Case Dispositive Motions:** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed before _____. Briefing will be pursuant to the Local Rules. The parties may agree on an alternative briefing schedule. Any such agreement shall be in writing and filed with the Court for the Court's approval, in the form of a stipulation.

7. **Trial.** Pretrial and trial dates will be scheduled by the Court, in consultation with counsel, following the resolution of dispositive motions.

[Signature blocks for counsel]